

REMARKS

Claims 18 to 32 are now pending. No new matter has been added.

Applicants respectfully request reconsideration of the present application in view of this response.

35 U.S.C. § 103(a) – Chin and Newman references

Claims 18 to 32 were rejected under 35 U.S.C. § 103(a) as unpatentable by U.S. Patent No. 5,729,588 to Chin et al. (“Chin reference”) in view of U.S. Patent No. 5,987,633 to Newman et al. (“Newman reference”).

Applicants respectfully submit that the Chin and Newman references, taken alone or in combination, do not render obvious the claimed inventions in claims 18 to 32.

As described in Applicants’ earlier communication, the Chin reference does not describe all of the claimed features as shown in claims 18 to 32, including at least the claim feature of the system evaluator having a device for recognizing communications data records which are assigned to any test communications connection, as in claim 18. Instead, the Chin reference purportedly concerns a system having a call generation element 20, an information retrieval element 40, and a processing element 50. Col. 3, lines 21-24. Apparently, the system 10 performs the function of tracking records generated for telephone calls and processing the records such that fields forming the records are analyzed to determine if data contained therein is correct. Col. 3, lines 25-28. The Chin reference refers to a step 20, where a test telephone call is generated by a SAGE box or an Ameritech box, the generation of the call creating billing records at step 20 and ultimately yielding expected data usually generated upon the completion of a call regarding the specific details of the telephone call in question. Col. 3, lines 29-37. The Chin reference further states that from the generated call at step 20, a signal is passed through the switching system, or switch, of the systems under test at step 30, where such systems under test may include, among others, switching systems such as the AT&T 4ESS.TM. and AT&T 5ESS.TM.. Col. 3, lines 38-51. The Chin reference then describes that from the switch, or plurality of switches, of the systems under test at step 30, information regarding the telephone call in question is generated at step 30 and retrieved at step 40, where such information is retrieved by copying the information through the use of data trapping, rather than redirecting records from a billing system to a structure for performing analysis. Col. 3, lines 52-58. See also, Chin reference, Fig. 1, references 50 and 60, and accompanying text in its specification.

Claim 18 is directed to a system for validating connection-related communications data collected by a digital switching exchange, including, among other things, a digital switching exchange having a device for generating a plurality of communications data records for the respective test communications connection, and *the system evaluator having a device for recognizing communications data records which are assigned to any test communications connection*, and a comparator compares each of the communications data records that correspond to the respective reference data record. Both the structure and the content of the communications data may be validated using the present invention.

The Newman reference, taken in combination with the Chin reference, does not cure the deficiencies of the Chin reference. The Newman reference purportedly concerns a system software solution for testing various network entities which save data to a common database in a telecommunications network. Abstract, lines 1-5. The Newman reference refers to utilizing a server to correlate database data from the network under test and compare it to anticipated test case results for billing purposes. Abstract, lines 5-7. The Newman reference refers to a controller creating a billing template comprising expected billing information for each test call, and then comparing the billing template with the data from a billing verification system reflecting the actual billing results from the network. Specification, col. 3, lines 29-44. The Newman reference refers to logic integrated in its system for capturing timepoints associated with "critical events" in a phone call from a test application perspective and comparing those timepoints with actual results from the tested network. Abstract, lines 12-23. The Newman reference's timepoints are time information (which is synchronized or translated for consistency) with milestones in the progress of call processing. Id. However, the Newman reference does not teach or describe the claimed invention of a system for validating connection-related communications data collected by a digital switching exchange, including a digital switching exchange having a device for generating a plurality of communications data records for the respective test communications connection, and the system evaluator having a device for recognizing communications data records which are assigned to any test communications connection, among other features of claim 18.

Applicants also assert that it would not necessarily have been proper to combine the Chin and Newman references together. According to caselaw, the prior art is required to *disclose or suggest each claim element and must also provide a motivation or suggestion for combining the elements in the manner contemplated by the claim.* (See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), cert. denied, 111 S. Ct. 296

(1990). It is not obvious that a person reading the Chin reference (directed to a recording verification system of AMA records) would be motivated (or find a suggestion) to combine the techniques of the Chin and Newman references in the exact way required by claim 18 of the present invention at the time the present invention was invented.

Accordingly, Applicants respectfully submit that claim 18 is allowable because the Chin and Newman references in combination do not describe each and every feature of claim 18. Withdrawal of the rejection of claim 18 under 35 U.S.C. § 103(a) over the Chin reference in view of the Newman reference is respectfully requested.

Claims 19 to 23 depend from claim 18 and are thus allowable for at least the same reasons as claim 18. Claims 24 and 29 (and their dependent claims 25 to 28 and 30 to 32) recite analogous features to the claim 18 and are thus allowable for at least essentially the same reasons as claim 18. Withdrawal of the rejection of claims 18 to 32 under 35 U.S.C. § 103(a) over the Chin reference in view of the Newman reference is respectfully requested.

Accordingly, it is respectfully submitted that all of claims 18 to 32 are allowable for at least the foregoing reasons.

CONCLUSION

In view of all of the above, it is believed that the rejections of claims 18 to 32 should be withdrawn, and that claims 18 to 32 be deemed allowable. It is therefore respectfully requested that the present application issue as early as possible.

If a telephone interview would assist in furtherance of allowance of the present application, the Examiner is encouraged to contact the undersigned at the number below.

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Respectfully submitted,

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